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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,913	07/25/2003	Thomas A. Saldarelli	35451	2415

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EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,913

Applicant(s)

SALDARELLI ET AL.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

The claims 1, 7 and 15 are objected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are drawn to either a tubular body and base plate or the base plate alone. However, limitations are given for a post, which is not claimed, appearing to be a combination. The claims are examined as being a subcombination not including the post. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,391,660 to Stewart.

Regarding claims 1 and 7, Stewart discloses an anchor assembly with a hollow tubular body (fig. 3: 22) fitted on top of a truncated conical baseplate (fig. 2: 21).

Regarding claims 2 and 8, Stewart discloses the cross sections of the body and baseplate as circular.

Regarding claims 3, 9 and 17, Stewart discloses the baseplate as a truncated conic.

Regarding claims 4, 10 and 18, Stewart discloses the baseplate as having an opening (fig. 3: where 27 fits).

Regarding claims 5, 11 and 19, Stewart discloses the baseplate as having an arcuate flange (fig. 3: 18) extending radially outward.

Regarding claims 6, 12 and 20, Stewart discloses the baseplate as large enough to inherently cause friction between another object.

Regarding claim 13, Stewart discloses the circumference of the conical portion as continuous.

Regarding claim 14, Stewart discloses the radial dimension of the arcuate section (fig. 3: 18) as being greater than the radial dimension of the conical portion.

Claim 15 is rejected for reasons cited in the rejection of claims 1 and 14.

Regarding claim 16, Stewart discloses the surface as being circular in cross section (fig. 3).

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,401,908 to Rapata.

Regarding claims 1, 7, Rapata discloses an anchor assembly having a hollow tubular anchor body (fig. 5: 10).with an arcuate interior cross section, and a hollow lower end (fig. 5: where 16 points). Rapata also discloses a base plate (fig. 1: 18) having an arcuate portion (fig. 2: bottom foot of side walls 18) shaped to mate with the arcuate

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section of the anchor body (fig. 2), the base plate includes an upstanding arcuate conical section (fig. 4: 18).

Regarding claim 2, 8 and 16, Rapata discloses the anchor body as having a circular interior cross section (fig. 1).

Regarding claim 3, 9 and 17, Rapata discloses the conical section of the baseplate as being truncated.

Regarding claim 4, 10 and 18, Rapata discloses the baseplate as having an axially extending opening (fig. 7: 30a).

Regarding claim 5, 11 and 19, Rapata discloses the baseplate as having an arcuate flange (fig. 1: ring around 18) extending outwardly from the base plate.

Regarding claim 6, 12 and 20, Rapata discloses the conical section of the baseplate as inherently large enough to cause friction against an object pressed against it.

Regarding claim 13, Rapata discloses the conical portion as having a continuous circumference.

Regarding claim 14, Rapata discloses the arcuate portion of the baseplate (fig. 2: bottom foot of sidewalls 18) as having a larger radial dimension than the conical portion (fig. 2: 18).

Regarding claim 15, claim 15 is rejected for reasons cited in the rejections of claims 1 and 14.

Response to Arguments

Applicant's arguments filed 1/25/05 have been fully considered but are moot under new grounds of rejections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to conical bases in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK


Basil Katcheves

5/2/05

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